

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Children's Television Obligations)	
Of Digital Television Broadcasters)	MM Docket No. 00-167
)	
)	

**COMMENTS OF KIDSNET ON SECOND FURTHER
NOTICE OF PROPOSED RULEMAKING**

April 24, 2006

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I. OVERVIEW

KIDSNET is a nonprofit organization that helps children, families and educators intelligently access the educational opportunities available from television, radio and multimedia sources. KIDSNET does this by encouraging electronic media literacy in children and a commitment to educational excellence in broadcasters and other electronic media providers.

Since 1985, KIDSNET has worked with health and social service professionals, community organizations and educators, as well as media professionals and parents, to create and disseminate educational materials for children ages preschool through high school. KIDSNET has historically been the only national nonprofit computerized clearinghouse and information center devoted to electronic media for children and youth. Its mission has been and will always be to help develop and promote tools and

information that enable professionals and parents to assume greater control and responsibility for shaping children's role with electronic media.^{1/}

KIDSNET applauds the Joint Proposal put forth by children's advocacy groups and the media industry in this proceeding as a rare demonstration of collaboration among entities that are typically polarized. All contributors to the Joint Proposal deserve significant credit for overcoming their historical differences in a sincere effort to find common ground in the interests of children.

Given the progress the Joint Proposal demonstrates towards defining the children's television obligations of both analog and digital television broadcasters, the attention of the FCC and all industry and consumer parties should quickly turn to implementation and compliance. Based on its over 25 years of experience working with educators, parents and the media industry to help provide information and guidance in support of child-friendly media, KIDSNET recommends that the FCC, along with the adoption of new rules, should encourage the use of an independent and neutral nonprofit third party entity to promote and facilitate compliance with these rules.

Such an entity should use the following mechanisms to achieve these goals:

- Education and outreach about FCC rules and regulations and programming meeting the FCC's guidelines
- Information management
- Development, adoption and management of standards
- Publish a guide to programming that complies with the FCC's educational and instructional guidelines

^{1/} for further information, see KIDSNET's website at kidsnet.org.

- Support and enhancement of future collaborative efforts

II. FOR THESE RULES TO ACHIEVE THEIR GOALS RESOURCES NEED TO BE DEDICATED TO SIGNIFICANT FOLLOW-UP EFFORTS

A creative and focused follow-up plan would consist of the following:

A. EDUCATION AND OUTREACH

Members of the ad hoc group that contributed to the Joint Proposal include individual cable and broadcast networks and child advocacy groups. Each participating organization may have its own communications line to its own constituency, but no single entity has the resources to develop coordinated and sustained programs that address the myriad issues around children's media. Consumers (parents, educators, children, and others) who are not affiliated with a particular group need an information resource that is objective, reliable and consistent. A central information service supported by the media industry can help promote existing resources that serve particular constituencies. Lacking a central "go to" access point for information, tools and resources, consumers do not have a complete picture of the children's media universe.

Education and outreach is not simply a one-to-many dissemination of information. Rather, it is an effort to develop and sustain dialogue among and between consumers and the media industry, regulators, and child advocates. Media is too prolific, amorphous and dynamic for a top-down administrative model. There is no ideal end-state (or at least no universally agreed upon end-state) to be achieved through regulatory structures. The focus of efforts to widen the landscape of electronic media options for children should be on involving everyone in and along the production-consumption continuum in proactive and sustained participation. This can maximize the positive impact of children's media and minimize its negative impact.

B. INFORMATION MANAGEMENT AND EXCHANGE

Information is at the core of assuring compliance. In order for producers and distributors of children's programming to comply with FCC rules and regulations, clearly defined and articulated standards must be readily accessible in an actionable format. In order for regulators and child advocates to be able to monitor compliance, they must have access to information that is auditable and verifiable. In order for consumers to make their own informed choices, they must have access to information that is objective, clear, consistent, and reliable.

A transparent information exchange among and between producers, regulators and consumers requires tools, systems and facilitation by a neutral non-governmental third party. These tools and systems would constitute an infrastructure to support a dynamic feedback loop on child-friendly programming that includes documenting, auditing, and reporting.

Metadata is a central component of such a coordinated information management and exchange system. Metadata is data that describes data. It is the mechanism by which content assets can be described by standardized data structures, attributes and nomenclatures. Once a set of standardized program descriptors has been established through a neutral third party (see section C. below), these descriptors can be applied to audio-visual assets in the form of metadata to facilitate search/retrieval, display and reporting along any of the parameters described by the metadata. Metadata is particularly important for audio-visual assets because, unlike text documents, the audio-visual content itself cannot be searched.

Metadata could include information about program content, air dates and times, ties to school curriculum, ratings, and other pertinent information. A neutral third party

would be best positioned to establish standard formats for metadata, collect and process it, and make it available to the public in a standardized format. Metadata could come from any relevant source, including program producers, program distributors, research organizations or advocacy groups.

A coordinated and transparent information management system would provide everyone with access to the same information in the format that is most relevant to their given need. The system should be designed with the goals of streamlining information flow among affected parties and reducing the overhead associated with the regulatory process.

C. DEVELOPING, PUBLISHING AND MANAGING STANDARDS

All interested parties along the production-consumption continuum are best served by FCC rules that are clearly defined and easily accessible. In other FCC content regulation contexts, such as indecency, television networks and stations have contended that the FCC's mandates are arbitrarily defined and enforced. Thus a set of standardized descriptors need to be established in the area of children's television programming.

A neutral third party system to support the definition and implementation of FCC standards in children's television rules should include documenting, auditing and reporting, as well as processes for review and appeals. If the development of such a comprehensive system includes all interested parties, the prospects are far greater for widespread compliance.

D. MEDIA GUIDE

All of the time, effort and resources that have gone and will go into forging consensus around standards for educational and informational children's programming will be undermined if consumers are not aware of the availability of programming that

meets those standards. A comprehensive guide to media that complies with established standards for programming that meet children's educational and informational needs is needed. It would provide the media industry with the tools for the self-regulation that it consistently advocates. Such a guide also creates an important incentive to program creators and distributors, since programming that is not compliant with objective, verifiable standards, and therefore not included in the guide, will be more difficult for consumers to find and view.

E. SUSTAINING AND ENHANCING FUTURE COLLABORATIVE EFFORTS

The issues addressed by the FCC in this docket will not be the last source of dispute among the different interests represented by the groups that have joined in putting forth the Joint Proposal. Expanding media formats and distribution models will raise new issues and cloud issues thought to be settled. No one can accurately predict today exactly what those issues will be. But tools for and work towards an environment in which they can be addressed collaboratively should continue.

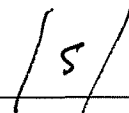
Ongoing dialogue between all interested parties can be promoted through public and private meetings, conferences, seminars, and debates. Such interaction should be regular and both face-to-face and virtual. An independent neutral third party vehicle for such dialogue is best suited to ensure that no particular agenda dominates this ongoing interaction and dialogue.

III. CONCLUSION

The collaborative spirit embodied in the Joint Proposal in this docket is welcome and vital. It needs to be harnessed to insure continued focus by all parties on serving children's interests in the exploding media universe. The tasks at hand are too important

and too complex for any single entity to tackle alone. For over 25 years, KIDSNET has seen first hand, through its own efforts, that entities from different points on the children's television production-consumption continuum can work together productively. Indeed, they value the opportunity to do so. But they need sufficient resources and coordination. Without sustained coordination, facilitation, and management, the prospects for future solutions on children's television issues to be forged outside of the regulatory and legal arena will not be bright.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'DS' or 'Dan Schwartz', is written over a horizontal line.

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